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EXAMINER

TORRES, JUAN A

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2611

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,634	Applicant(s) MONROE ET AL.	
	Examiner JUAN A. TORRES	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44, 46-55 and 62-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-44, 46-55 and 62-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Regarding claims 23 and 32:

Applicant's arguments filed 08/20/2008 have been fully considered but they are not persuasive.

The Applicant contends:

“AAPA, STD-191, and Fennel do not disclose these limitations or render them obvious. Firstly, AAPA, STD-101, and Fennel do not disclose or render obvious that the modem management information is to allow at least one of remote initialization and remote control of the equipment, wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, a substation monitor, telemetry equipment, a vending machine, and a computer. Secondly, as understood by Applicants, AAPA, STD-101, and Fennel do not explicitly disclose that the modem management information is included in one or more short message service messages. As understood by Applicants, the Examiner has relied upon STD-101 to reject the modem management information. However, STD-101 does not appear to disclose or even mention short message service messages. Thirdly, as understood by Applicants, AAPA, STD-101, and Fennel do not explicitly disclose that the modem management information is received through the RF transceiver from a wireless network. FIG. 1 of AAPA shows configuration parameters 120 are passed to the GSM modem 108 over the serial cable 106 from the client computer 104. However, this does not disclose the modem management information is received through the RF transceiver from a wireless network. As understood by Applicants, STD-101 and Fennel do not explicitly disclose that the modem management information is received through the RF transceiver from a wireless network. For at least one or more of these reasons, claim 23, and its dependent claims, are believed to be allowable. Independent claim 32, and its dependent claims, are believed to be allowable for one or more similar reasons.”

The Examiner disagrees, and asserts that, firstly, STD-101 specifically discloses “This annex defines two commands (+WS51 and +WS54) which control operation of the RLSD line when command &C1 is in effect” (page 2 section 3. This is also well known in the AT commands field). Secondly, AAPA discloses process one or more short message service messages received through the RF transceiver (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and

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[0036], see also Fennell (US 5418524 A) figure 1 for inherency). Thirdly, AAPA discloses that the modem management information is received through the RF transceiver from a wireless network (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency).

For these reasons and the reason stated in the previous Office Action, the rejections of claims 23 and 32 are maintained.

Regarding claims 41 and 50:

Regarding the first point, Applicant's arguments with respect to claim 41 have been considered but are moot in view of the new ground(s) of rejection.

Regarding second and third point se respond to argument to claim 23 above.

Regarding 35 USC § 103(a) Rejection –AAPA, STD-101, Cai:

Because the rejections of the independent claims are maintained, the rejections of the dependent claims are also maintained.

Regarding 35 USC § 103(a) Rejection –AAPA, STD-101, NTT:

Because the rejections of the independent claims are maintained, the rejections of the dependent claims are also maintained.

Claim Objections

Claim 23-31, 50-55 and 63-44 are objected to because of the following informalities:

Regarding claim 23, the recitation in line 6 of claim 23 “signals from equipment” seems to be improper, because it is improperly constructed; it is suggested to be changed to “signals from an equipment”

Regarding claim 50, the recitation in line 9 of claim 50 “equipment” seems to be improper, because it is improperly constructed; it is suggested to be changed to “an equipment”

Regarding claims dependent from claims 23 and 50, they are objected because claims 23 and 50 are objected

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. .

Regarding claim 32-40, claims 32-40 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor

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positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claims 41-44, 46-49 and 62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 41, claim 41 is rejected because it is claiming a data structure that is not claimed as "embodied in a computer-readable media", and data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer programs' functionality to be realized. In contrast,

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a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

In this case, the claim does not recite a computer readable medium stored in a computer to perform the method, but a storage medium comprising content, hence the claim is non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-27, 29-35 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) view of PCCA standard STD-101 Annex f "Data Transmission Systems and Equipment - Serial Asynchronous Automatic Dialing and Control for Character Mode DCE on Wireless Data Services - Annex F: Miscellaneous Commands", PCCA, October 1994, pages 1-10) (using Fennell (US 5418524 A) for inherency).

Regarding claim 23, AAPA a processor (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); at least one memory coupled to the

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processor, the at least one memory including instructions to cause the processor to implement a wireless protocol (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); a RF transceiver coupled to the processor (figure 1 block 108 inherently includes a transceiver, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); and an interface coupled to the processor, the interface to receive signals from equipment (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); wherein the processor is to process the signals received from the equipment (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); wherein the processor is further to process one or more short message service messages received through the RF transceiver from a wireless network (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency); and wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, substation monitor, telemetry equipment, a vending machine, and a computer (figure 1 block 104 paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A). AAPA doesn't disclose modem management information to allow at least one of remote initialization and remote control of the equipment. STD-101 discloses in the annex f managing information to allow at least one of remote initialization and remote control of

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the equipment where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 24, AAPA and STD-101 disclose claim 23, STD-101 also discloses wireless modem configuration parameters (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 25, AAPA and STD-101 disclose claim 23, STD-101 also discloses a command for wireless modem to perform a function stored internally to the wireless modem (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-

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101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 26, AAPA and STD-101 disclose claim 23, AAPA also discloses that processor processes the one or more short message service messages received through the RF transceiver by parsing data from the one or more of the short message service messages (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency). At the time of the invention it would be obvious to one of ordinary skill in the art to include an indicator in the SMS to indicate that an AT command is being sent to the modem so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claim 27, AAPA and STD-101 disclose claim 23, and AAPA also discloses a global system for mobile communications protocol (paragraphs [0004]-[0007]).

Regarding claim 29, AAPA and STD-101 disclose claim 23, AAPA also discloses memory holds modem software to allow the processor to handle the one or more short message service messages including the modem information received through the RF transceiver (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency). STD-101 also discloses in the annex f managing information where the

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modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 30, AAPA and STD-101 disclose claim 23, AAPA also discloses that the user equipment is external to the device (figure 1 block 104 paragraphs [0006], [0007]).

Regarding claim 31, AAPA and STD-101 disclose claim 23, AAPA also discloses a receptacle to receive a line coupled to the user equipment (figure 1 block 106 paragraphs [0006], [0007]).

Regarding claim 32 AAPA discloses receiving a short message service message at a RF transceiver of a wireless modem from a wireless network (figure 1 block 110 paragraphs [0006], [0007]); examining the short message service message (figure 1 block 108 paragraphs [0006], [0007]); and wherein the equipment is selected from a utility meter, a meter concentration point, a utility meter control system, substation monitor, telemetry equipment, a vending machine, and a computer (figure 1 block 104 paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A). AAPA doesn't disclose modem management information to allow at least one of remote initialization and remote control of the equipment. STD-101 discloses in the annex f managing

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information to allow at least one of remote initialization and remote control of the equipment where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10).

AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate that an AT command is being sent to the modem so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claim 33, AAPA and STD-101 disclose claim 32. At the time of the invention it would be obvious to one of ordinary skill in the art to parsing the short message service message and testing the parsed short message service message for a modem management command indicator, the command indicator indicating whether the short message service message includes the modem management information so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claim 34, AAPA and STD-101 disclose claim 32. STD-101 also discloses initializing the wireless modem based upon the modem management information (pages 1-10). AAPA and STD-101 are analogous art because they are from

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the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the quality of the channel disclosed by STD-101. The suggestion/motivation for doing so would have been to control the channel of wireless modem remotely using a wireless connection.

Regarding claim 35, AAPA and STD-101 disclose claim 32, STD-101 also discloses checking a quality of a wireless signal detected at the wireless modem (page 4 section 4.1.4). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the quality of the channel disclosed by STD-101. The suggestion/motivation for doing so would have been to control the channel of wireless modem remotely using a wireless connection.

Regarding claim 37, AAPA and STD-101 disclose claim 32, AAPA also discloses selecting a RF Channel for wireless communications on the wireless modem (paragraphs [0004]-[0007]. The GSM inherently discloses the use of an RF channel).

Regarding claims 38 and 47, AAPA and STD-101 disclose claims 32 and 41 AAPA also discloses authenticating a party sending short message service messages to the wireless modem (paragraphs [0006]-[0007]. The GSM SMS inherently discloses the party authenticating).

Regarding claim 39, AAPA and STD-101 disclose claim 32, STD-101 also discloses initializing communication parameters for event detection and notification

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(pages 1-10. AT commands are commands for even detection and notification). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 40, AAPA and STD-101 disclose claim 32 AAPA also discloses a global system for mobile communications protocol (paragraphs [0004]-[0007].

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and STD-101 as applied to claim 23 above, and further in view of Cai ("General Packet Radio Services in GSM", IEEE Communications, Vol. 35, Issue 10, (Oct. 1997), pages 122-131").

Regarding claim 28, AAPA and STD-101 disclose claim 23, AAPA and STD-101 don't specifically disclose a general packet radio services protocol. Cai discloses a general packet radio services protocol (pages 123-127). AAPA, STD-101 and Cai are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the GPRS protocol disclosed by Cai. The suggestion/motivation for doing so would have been to efficiently accommodate data sources that are burst in nature (Cai abstract).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and STD-101 as applied to claims 32 and 41 above, and further in view of NTT ("Proposal for external interface", SMG4/TSG-CN3/TSG-T2 London, 15-19 March 1999).

Regarding claim 36, AAPA and STD-101 disclose claim 32. AAPA and STD-101 don't specifically disclose a request for a call log history. NTT discloses a request for a call log history (page 21 No. 81). AAPA, STD-101 and NTT are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the call log disclosed by NTT. The suggestion/motivation for doing so would have been to obtain the log of the calls.

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and STD-101 as applied to claim 23 above, and further in view of NTT ("Proposal for external interface", SMG4/TSG-CN3/TSG-T2 London, 15-19 March 1999).

Regarding claim 63, AAPA and STD-101 disclose claim 23. AAPA and STD-101 don't specifically disclose a request for a call log history. NTT discloses a request for a call log history (page 21 No. 81). AAPA, STD-101 and NTT are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the call log disclosed by NTT. The suggestion/motivation for doing so would have been to obtain the log of the calls.

Claims 41-44, 46-54, 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) view of PCCA standard STD-101 Annex f “Data Transmission Systems and Equipment - Serial Asynchronous Automatic Dialing and Control for Character Mode DCE on Wireless Data Services - Annex F: Miscellaneous Commands”, PCCA, October 1994, pages 1-10) (using Fennell (US 5418524 A) for inherency) and further in view of NTT (“Proposal for external interface”, SMG4/TSG-CN3/TSG-T2 London, 15-19 March 1999).

Regarding claim 41 AAPA discloses receiving a short message service message at a RF receiver of a wireless modem from a wireless network (figure 1 block 110 paragraphs [0006], [0007]); examining the short message service message (figure 1 block 108 paragraphs [0006], [0007]); passing the short message service message through the wireless modem when the short message service message does not include the modem management information (figure 1 block 128 132 paragraphs [0006], [0007]). AAPA doesn't disclose management information and handling a request for call history log. STD-101 discloses in the annex f managing information where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to indicate that and AT command is being sent to the modem so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of

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the system, at least will be obvious to try to access the data directly to the modem. NTT discloses a request for a call history log (page 21 No. 81). AAPA, STD-101 and NTT are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the call log disclosed by NTT. The suggestion/motivation for doing so would have been to obtain the log of the calls.

Regarding claim 42, AAPA and STD-101 disclose claim 41. At the time of the invention it would be obvious to one of ordinary skill in the art to parsing the short message service message and testing the parsed short message service message for a modem management command indicator, the command indicator indicating whether the short message service message includes the modem management information so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claim 43, AAPA and STD-101 disclose claim 41. STD-101 also discloses initializing the wireless modem based upon the modem management information

Regarding claim 44, AAPA and STD-101 disclose claim 41 STD-101 also discloses checking a quality of a wireless signal detected at the wireless modem (page 4 section 4.1.4). AAPA and STD-101 are analogous art because they are from the same

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field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the quality of the channel disclosed by STD-101. The suggestion/motivation for doing so would have been to control the channel of wireless modem remotely using a wireless connection.

Regarding claim 46, AAPA and STD-101 disclose claim 41 AAPA also discloses selecting a RF Channel for wireless communications on the wireless modem (paragraphs [0004]-[0007]. The GSM inherently discloses the use of an RF channel).

Regarding claim 47, AAPA and STD-101 disclose claim 41 AAPA also discloses authenticating a party sending short message service messages to the wireless modem (paragraphs [0006]-[0007]. The GSM SMS inherently discloses the party authenticating).

Regarding claim 48, AAPA and STD-101 disclose claim 41 STD-101 also discloses initializing communication parameters for event detection and notification (pages 1-10. AT commands are commands for even detection and notification). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 49, AAPA and STD-101 disclose claim 41 AAPA also discloses a global system for mobile communications protocol (paragraphs [0004]-[0007].

Regarding claim 62, AAPA and STD-101 disclose claim 41. AAPA also discloses a memory (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency).

Regarding claim 50 AAPA discloses a processor (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); a memory coupled to the processor, the memory including a software including instructions to cause the processor to implement a wireless protocol (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); a RF transceiver coupled to the processor (figure 1 block 108 inherently includes a transceiver, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); and an interface coupled to the processor, the interface to receive signals from equipment (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); and wherein the processor is further to process one or more short message service messages received through the RF transceiver from a wireless network (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency). AAPA doesn't disclose modem management information and don't specifically disclose a request for a call log history and a request for a call history log. STD-101 discloses in the annex f

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managing information where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection. NTT discloses a request for a call history log (page 21 No. 81). AAPA, STD-101 and NTT are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the call log disclosed by NTT. The suggestion/motivation for doing so would have been to obtain the log of the calls.

Regarding claim 51, AAPA and STD-101 disclose claim 50, STD-101 also discloses wireless modem configuration parameters (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 52, AAPA and STD-101 disclose claim 50, STD-101 also discloses a command for wireless modem to perform a function stored internally to the

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wireless modem (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 53, AAPA and STD-101 disclose claim 50, AAPA also discloses that processor processes the one or more short message service messages received through the RF transceiver by parsing data from the one or more of the short message service messages (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency). At the time of the invention it would be obvious to one of ordinary skill in the art to include an indicator in the SMS to indicate that an AT command is being sent to the modem so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claim 54, AAPA and STD-101 disclose claim 50, and AAPA also discloses a global system for mobile communications protocol (paragraphs [0004]-[0007]).

Regarding claim 64, AAPA and STD-101 disclose claim 41. STD-101 also discloses in the annex f managing information to allow at least one of remote

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initialization and remote control of the equipment where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, STD-101 and NTT as applied to claim 50 above, and further in view of Cai ("General Packet Radio Services in GSM", IEEE Communications, Vol. 35, Issue 10, (Oct. 1997), pages 122-131").

Regarding claim 55, AAPA, STD-101 and NTT disclose claim 50, AAPA, STD-101 and NTT don't specifically disclose a general packet radio services protocol. Cai discloses a general packet radio services protocol (pages 123-127). AAPA, STD-101 and Cai are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA, STD-101 and NTT the GPRS protocol disclosed by Cai. The suggestion/motivation for doing so would have been to efficiently accommodate data sources that are burst in nature (Cai abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUAN A. TORRES whose telephone number is (571)272-3119. The examiner can normally be reached on 8-6 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Juan Alberto Torres
10/8/2008

/Juan A Torres/
Examiner, Art Unit 2611